

**State of California, Court of Appeal
Fourth Appellate District, Division 3
January 22, 2007**

Court reconvened at 9:30 a.m., in the courtroom located at 925 N. Spurgeon Street, Santa Ana, California. Panel members are Sills, P. J., Rylaarsdam, J., Bedsworth, J. O’Leary, O’Leary, Moore, J. and Fybel, J. Antoinette Cajigal deputy clerk attending.

G035165 THE PEOPLE
 v.
 THAI BAO HOANG TRAN

Merits. Cause called. David M. McKinney argued for appellant. Marilyn George, Deputy Attorney General argued for respondent. Cause submitted.

G036443 THE PEOPLE
 v.
 ANDY SUN

Merits. Cause called. Brian Gurwitz, Deputy District Attorney argued for appellant, the People. Paul S. Meyer argued for respondent. Alison Y. Merrilees, Deputy Attorney General was present as an amicus curiae in support of the appellant, and also argued without a written request for permission to be allow to participate in the oral argument.

G036327 JACQUELINE B. REEDY ET AL.
Consolidated with G036328, G036329, G036330 & G036331
 v.
 LETANTIA BUSSELL as Trustee, etc.

Merits. Cause called. William A. Salzwedel argued for appellant. Bernard A. Leckie argued for respondent Jacqueline B. Reedy. Cause submitted.

G036655 JACQUELINE B. REEDY ET AL.
 &
G036665 LETANTIA BUSSELL as Trustee, etc.

Merits. Cause called. William A. Salzwedel argued for appellant. Bernard A. Leckie argued for respondent Jacqueline B. Reedy. Cause submitted.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
January 22, 2007 (cont'd)**

G037094 THE PEOPLE
 v.
 OSCAR H. PERRUSQUIA

Merits. Cause called. Brian Fitzpatrick, Deputy District Attorney argued for appellant, the People. Randi Dana Covin argued for respondent. Cause submitted.

Court declared a recess.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
January 22, 2007 (cont'd)**

Court reconvened at 1:30 p.m., in the courtroom located at 925 N. Spurgeon Street, Santa Ana, California. Panel members are Rylaarsdam, Acting P. J., Bedsworth, J. O'Leary, Moore, J. and Ikola, J. Antoinette Cajigal deputy clerk attending.

G036623 JUDITH DUNKLIN
 v.
 JEFFREY HOWARD

Merits. Cause called. Amelia A. McDermott argued for appellant. Jeffrey M. Howard, respondent argued in pro pria persona. Cause submitted.

G037020 FARMERS & MERCHANTS TRUST COMPANY
 v.
 FIRST AMERICAN TRUST COMPANY

Merits. Cause called. John Gloger argued for appellant. Charles W. Parret argued for respondent. Cause submitted.

G036465 COUNTY OF ORANGE
 v.
 ERIC S.

Merits. Cause called. Sharon Quinn, Deputy Attorney General argued for appellant. Karen A. Rhyne argued for respondent. Cause submitted.

G035046 TRANSCONTINENTAL INSURANCE COMPANY ET. AL.
 v.
 INSURANCE COMPANY OF PENNSYLVANIA

Merits. Cause called. Mark G. Bonino argued for appellant. Jerome B. Falk argued for respondents. Cause submitted.

Court declared a recess.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
January 22, 2007**

G035261 THE PEOPLE
v.
VICTOR HUGO SALGADO

Order filed. The above entitled cause is ordered submitted this date.
Sills, P.J.

G035328 THE PEOPLE
v.
ANDY SUN

Order filed. The above entitled cause is ordered submitted this date.
Sills, P.J.

G036382 LETANTIA BUSSELL as Trustee,
etc., et al.
v.
JACQUELINE B. REEDY et al.

Order filed. The above entitled cause is ordered submitted this date.
Sills, P.J.

G036516 THE PEOPLE
v.
MISABEL BALLINAS TORRES

Order filed. The above entitled cause is ordered submitted this date.
Sills, P.J.

G036661 THE PEOPLE
v.
MICHAEL MARVIN NELSON et al.

Order filed. The above entitled cause is ordered submitted this date.
Sills, P.J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
January 22, 2007 (cont'd)**

G036720 In re the Marriage of
 WILLIAM and FLORENCE GILLIALAND
 WILLIAM T. GILLIALAND
 v.
 FLORENCE CUMMINGS GILILAND

Order filed. The above entitled cause is ordered submitted this date.
Sills, P.J.

G036101 EDWARD J. DEMPSEY
 v.
 MARK MATTHEWS

Not for publication

Opinion filed. The judgment is affirmed.

Moore, J.

We concur: Bedsworth, Acting P.J.
 O'Leary, J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
January 23, 2007**

Court reconvened at 9:30 a.m., in the courtroom located at 925 N. Spurgeon Street, Santa Ana, California. Panel members are Sills, P. J., Rylaarsdam, J., Bedsworth, J. O'Leary, J., Aronson, J., Fybel, J. and Ikola, J. Antoinette Cajigal deputy clerk attending.

G035924 GENNY R. ALBERTS ET AL.
 v.
 HANK ETESS

Merits. Cause called. David E. Rosenbaum argued for appellant. Edward H. Cummings argued for respondents. Cause submitted.

G036999 JEFFREY ROEHL ET AL.
 v.
 MARIANA RITCHIE as Trustee, etc.

Merits. Cause called. Theodore I. Wallace argued for appellant. Paul H. Melbostad argued for respondent Jeffrey Roehl et al. Howard M. Bidna argued for respondent Kenneth Cummins. Cause submitted.

G036089 BANYAN LIMITED PARTNERSHIP ET AL.
 v.
 DAN W. BAER

Merits. Cause called. David A. Robinson argued for appellant. Thomas W. Dressler argued for respondents. Cause submitted.

G037200 MANDEEP BEHNIWAL ET AL.
 v.
 GENE C. MIX ET AL.

Merits. Cause called. Michael G. York argued for appellants. Barry A. Ross Argued for respondents. Cause submitted.

G036833 MANAGEMENT VI PROPERTIES
 v.
 LAURA GREENBERG-GALE

Merits. Cause called. David B. Dimitruk argued for appellant. Richard L. Fahrney argued for respondent. Cause submitted.
Court declared a recess.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
January 23, 2007 (cont'd)**

Court reconvened at 1:30 p.m., in the courtroom located at 925 N. Spurgeon Street, Santa Ana, California. Panel members are Rylaarsdam, Acting P. J., Bedsworth, J and Aronson, J. Antoinette Cajigal deputy clerk attending.

G035803 ELSA E. SHUSTER
 v.
 CALIFORNIA AUTO DEALERS EXCHANGE, INC. ET AL.

Merits. Cause called. James M. Trush argued for appellant. Joel S. Miliband argued for respondents. Cause submitted.

Court declared a recess.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
January 23, 2007 (cont'd)**

G034259 BORIS M. ACKERMAN Certified for publication
& v.
G034582 ANN E. ACKERMAN

Order filed. Order modifying opinion and denying petition for rehearing;
no change in judgment.

Rylaarsdam, J.

We concur: Sills, P.J.
 Aronson, J.

G037721 ALFRED GAUSEWITZ et al.
G037728 v.
& PRESTON FLANIGAN et al.
G037955

Order filed. On January 3, 2007, this court advised the parties that it was
considering consolidating case numbers G037721, G037728 and G037955.
No opposition having been received, on the court's own motion and for good
cause, case numbers G037721, G037728 and G037955 are consolidated for
all purposes, including briefing, oral argument and decision on appeal.

Sills, P.J.

G035607 KEMP BROS. CONSTRUCTION, INC. Not for publication
 v.
 TITAN ELECTRIC CORPORATION

Opinion filed. Reversed and remanded with directions.

Ikola, J.

We concur: Bedsworth, Acting P.J.
 O'Leary, J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
January 23, 2007 (cont'd)**

G036564 THE PEOPLE Not for publication
v.
JUAN HERNANDEZ MORALES

Opinion filed. The judgment is affirmed.

Fybel, J.

We concur: Rylaarsdam, J.
Aronson, J.

G037751 BRENDA L. Not for publication
v.
THE SUPERIOR COURT OF ORANGE
COUNTY,
ORANGE COUNTY SOCIAL SERVICES
AGENCY et al.

Opinion filed. The petition is denied.

O'Leary, J.

We concur: Rylaarsdam, Acting P.J.
Bedsworth, J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
January 24, 2007**

G036512 JUDITH A. DUNKLIN Not for publication
 v.
 EDWARD MILLER et al.

Opinion filed. The judgment affirmed.

Ikola, J.

We concur: Bedsworth, Acting P.J.
 O’Leary, J.

G036623 JUDITH DUNKLIN Not for publication
 v.
 JEFFREY HOWARD

Opinion filed. The judgment affirmed.

Ikola, J.

We concur: Bedsworth, Acting P.J.
 O’Leary, J.

G036870 ADOPTION NETWORK LAW CENTER Not for publication
 v.
 DAVID H. TAYYANIPOUR

Opinion filed. Reversed in part, affirmed in part, and remanded.

Moore, J.

We concur: Sills, P.J.
 O’Leary, J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
January 25, 2007**

G036363 LAGUNA SEACREST
 v.
 TELNET et al.

Order filed. Following submission of the matter, the court received appellant's motion for leave to file a supplemental brief. Appellant's motion for leave to file supplemental brief will be decided in conjunction with the decision on appeal.

Bedsworth, J.

G036112 THE PEOPLE
 v.
 BILLY RAY MCCASLIN II

Not for publication

Opinion filed. The judgment is affirmed.

Rylaarsdam, J.

We concur: Sills, P.J.
 Aronson, J.

G036235 JAMES LALIBERTE et al.
 v.
 PACIFIC MERCANTILE BANK

Certified for publication

Opinion filed. Reversed.

Aronson, J.

We concur: Sills, P.J.
 Rylaarsdam, J.

G037008 THE PEOPLE
 v.
 PAUL CLAUDIO PIERMARTIRI

Not for publication

Opinion filed. The judgment is affirmed.

Bedsworth, Acting P.J.

We concur: O'Leary, J.
 Ikola, J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
January 25, 2007 (cont'd)**

G037709 In re HECTOR RODRIGUEZ TENORIO Not for publication
On Habeas Corpus

Opinion filed. The petition is granted. By the court
Before Sills, P.J. Aronson, J. and Ikola, J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
January 26, 2007**

G037921 JESSICA RUTAN
 v.
 SCOTT SCOVILL

Order filed. Appellant's motion to vacate the dismissal, reinstate the appeal, and be relieved from default is granted. The order of dismissal is vacated and the appeal is reinstated.

Sills, P.J.

G037945 THAP NHUT VAN NGUYEN et al.
 v.
 LARRY HUNG TRAN et al.

Order filed. Appellant's motion to vacate the dismissal, reinstate the appeal, and be relieved from default is granted. The order of dismissal is vacated and the appeal is reinstated.

Sills, P.J.

G037993 VISTA CAMARILLO OWNERS
 v.
 CITIZENS BUSINESS BANK

Order filed. Appellant's motion to vacate the dismissal, reinstate the appeal, and be relieved from default is granted. The order of dismissal is vacated and the appeal is reinstated.

Sills, P.J.

G036426 CHARLES MARTIN
 v.
 BUREAU OF SECURITY AND
 INVESTIGATIVE SERVICES

Not for publication

Opinion filed. The judgment appealed from is affirmed.

Bedsworth, Acting P.J.

We concur: O'Leary, J.
 Ikola, J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
January 26, 2007 (cont'd)**

G036812

THE PEOPLE

Not for publication

v.

DAVID PAUL METZGER

Opinion filed. Appeal dismissed.

Ikola, J.

We concur: O'Leary, Acting P.J.
Moore, J.